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Attorney Docket No.

A792.12-0015

First Named Inventor : Nicholas P. Van Brunt

Title : METHOD AND APPARATUS FOR INDUCING SPUTUM SAMPLES FOR  
DIAGNOSTIC EVALUATION

In the patent application:

— identified above (and submitted to the Patent and Trademark Office herewith).

X filed on February 25, 2002 as Application No. 10/083,966.

I appoint the attorneys and agents associated with Customer Number 00164 to prosecute the patent application identified above and to transact all business in the Patent and Trademark Office connected therewith, including full power of association, substitution and revocation.

I ratify all prior actions taken by Kinney & Lange, P.A. or the attorneys and agents mentioned above in connection with the prosecution of the above-mentioned patent application.


I authorize Kinney & Lange, P.A. to mark the appropriate space above and to insert the filing date and application number of the application, as appropriate.

I authorize the attorneys and agents named herein to accept and follow instructions from Paul Maeyaert as to any action to be taken in the Patent and Trademark Office regarding this application without direct communication between the attorneys and agents and the undersigned. In the event of a change in the persons from whom instructions may be taken, the attorneys and agents named herein will be so notified by the undersigned.

Please address all correspondence and telephone calls to Customer Number 00164, attention David R. Fairbairn, Telephone (612) 339-1863, Fax (612) 339-6580.

Advanced Respiratory, Inc.

Signature:

  
Stephen E. Smith

Dated:

4-18-02

Title:

Vice President, General Counsel

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# ASSIGNMENT

Attorney Docket No.

A792.12-0001

First Named Inventor : Nicholas P. Van Brunt

Title : METHOD AND APPARATUS FOR INDUCING SPUTUM  
SAMPLES FOR DIAGNOSTIC EVALUATION

WHEREAS, I, Nicholas P. Van Brunt, of White Bear Lake, Minnesota, USA, and Donald J. Gagne, of St. Paul, Minnesota, USA have invented certain new and useful improvements as described in an application entitled METHOD AND APPARATUS FOR INDUCING SPUTUM SAMPLES FOR DIAGNOSTIC EVALUATION for Letters Patent of the United States, the application having been executed on even date herewith.


WHEREAS, American Biosystems, Inc., a corporation organized and existing under the laws of the State of Minnesota, and having offices at 20 Yorkton Court, St. Paul, Minnesota 55117 USA, ("Assignee") is desirous of acquiring the entire right, title and interest in and to the invention, the application, and any and all Letters Patent or similar legal protection, foreign or domestic, to be obtained therefor,

NOW, THEREFORE, for good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, I transfer to Assignee, its successors and assigns, my entire right, title and interest in and to the invention, the above-identified application, corresponding domestic and foreign applications, all Letters Patent or similar legal protection issuing thereon, and all rights and benefits under any applicable treaty or convention; and I authorize the Commissioner of Patents and Trademarks of the United States or foreign equivalent thereof to issue the Letters Patent or similar legal protection to the Assignee.

I authorize the Assignee, its successors and assigns, to insert in this instrument the filing date and application number of the application when ascertained.

I authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries.

I represent to the Assignee, its successors and assigns, that I have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. I, my executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries.

  
Nicholas P. Van Brunt

STATE OF MINNESOTA )

) ss.

COUNTY OF )

Subscribed and sworn to before me, a Notary Public, this 25 day of August, 1999

  
Notary Public

(SEAL)



Donald J. Gagne  
Donald J. Gagne

STATE OF MINNESOTA

)  
) ss.  
)

COUNTY OF

Subscribed and sworn to before me, a Notary Public, this 25 day of August, 1999

Lisa M. Larson  
Notary Public

(SEAL)



**CERTIFICATE OF AMENDMENT OF  
AMENDED AND RESTATED ARTICLES OF INCORPORATION  
OF  
AMERICAN BIOSYSTEMS, INC.**

**RESOLVED**, that Article I of the Amended and Restated Articles of Incorporation be amended to read as follows:

**ARTICLE 1**  
**NAME**

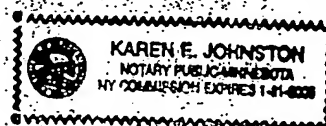
IN WITNESS WHEREOF, the undersigned has executed this Certificate of Amendment effective this 7th day of November, 2001.

Stephen E. Smith, Secretary

STATE OF MINNESOTA )  
COUNTY OF RAMSEY ) ss.

The foregoing instrument was acknowledged before me on November 7, 2001, by Stephen E. Smith, the Secretary of American Biosystems, Inc., a Minnesota corporation, on behalf of the Corporation.

**Notary Public**



STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

DEC - 4 2001

Mary K. Higgins  
Secretary of State

018006

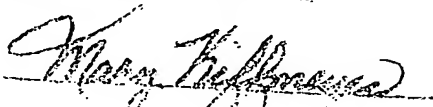
Hold's LN# 30565

STATE OF MINNESOTA

DEPARTMENT OF STATE

I hereby certify that this is a  
true and complete copy of the  
document as filed for record in  
this office.

DATED 3-11-02

  
Secretary of State



By

